

September 21, 1998

**DURHAM, NORTH CAROLINA
MONDAY, SEPTEMBER 21, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Member Blyth.

Also present: City Manager P. Lamont Ewell, Assistant City Attorney Karen Sindelar, Deputy City Clerk D. Ann Gray and Administrative Assistant Linda E. Bratcher.

Mayor Tennyson called the meeting to order and at this time, a proclamation was read proclaiming "Make A Difference Day" in the City of Durham on October 24, 1998.

Mayor Pro Tempore Clement acknowledged that Deputy City Manager Cecil Brown would be leaving the City of Durham on September 30, 1998. Mayor Pro Tempore Clement stated that Mr. Brown has been a valuable asset to the City of Durham and wished him well.

Council Member Cox informed his colleagues and the audience that he would be hosting a community meeting on September 22, 1998; 6:30 p.m., Greater St. Paul Missionary Baptist Church. Mr. Cox stated the topic to be discussed would be "Crime" What Can We All Do To Keep Our City Safe.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell requested that council withdraw GBA #11 [Carolina Theatre Management Agreement] from the agenda. Mr. Ewell stated this item will come before the Finance Committee Meeting scheduled on Thursday, September 24, 1998. Deputy City Clerk Gray informed the council that the "Resolution Honoring Elna B. Spaulding" was attached to the Revisions to the Agenda. Also, Ms. Gray reminded council of the valid protest petition filed against GBA #6 [Rezoning Case P98-10, Northgates Associates].

There were no priority items from the City Attorney.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. Sergeant Phil Wiggins requested that Consent Item 7 [Amendment to the Compensation and Classification Plan] be pulled.

MOTION by Council Member Larson seconded by Council Member Miller

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to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

[CONSENT AGENDA]

SUBJECT: PRESENTATION OF THE PROCESS AND OUTCOME EVALUATION OF THE DURHAM COMMUNITY PREVENTION PARTNERSHIP

MOTION by Council Member Larson seconded by Council Member Miller to receive the attached report on process and outcome evaluation of the Durham Community Prevention Partnership (DCPP) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to appoint Carolyn M. Davis, African American Representative, to the Human Relations Commission, for a term to expire June 30, 2001 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: DESIGNATION OF VOTING DELEGATES - ANNUAL CONGRESS OF CITIES, DECEMBER 1-5, 1998, KANSAS CITY, MISSOURI

MOTION by Council Member Larson seconded by Council Member Miller to appoint Council Member Erick Larson, II as Voting Delegate and Mayor Nicholas Tennyson and Councilmember Tyrone Cox as Alternate Voting Delegates to attend the National League of Cities' Annual Business Meeting on Saturday, December 5, 1998 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: DESIGNATION OF VOTING DELEGATES - NORTH CAROLINA LEAGUE

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**OF MUNICIPALITIES ANNUAL CONVENTION - OCTOBER 18-20,
1998, CHARLOTTE, NORTH CAROLINA**

MOTION by Council Member Larson seconded by Council Member Miller to appoint Mayor Nicholas Tennyson as Voting Delegate and Councilmember Tyrone Cox as Alternate Voting Delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Monday, October 19, 1998 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

**SUBJECT: FIREARMS TRAINING FACILITY COOPERATIVE AGREEMENT BETWEEN
THE DURHAM POLICE DEPARTMENT AND THE FEDERAL BUREAU OF
INVESTIGATION (FBI)**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Cooperative Agreement between the Police Department and the FBI regarding the installation and use of a Turning Target System at the Police Firing Range was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

**SUBJECT: USE OF CONTROLLED SUBSTANCE ABUSE FUNDS TO PURCHASE A
DRUG DOG FOR THE POLICE DEPARTMENT**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Controlled Substance Abuse Funds in an amount up to \$4,595 to purchase a drug dog and the necessary supplies and equipment was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

**SUBJECT: WEED AND SEED SUBRECIPIENT GRANT AGREEMENT WITH BOARD OF
EDUCATION OF THE DURHAM PUBLIC SCHOOLS - TRUANCY SPECIAL
EMPHASIS COMPONENT**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Subrecipient Agreement with the Board of Education of the Durham Public Schools

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to provide the Truancy Special Emphasis component of the Weed and Seed grant at a cost of \$50,000 for Fiscal Year 1998-99 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: FISCAL YEAR 1998-99 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS AGREEMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Authorizing the City Manager to Execute a FY 1998-99 Community Development Block Grant Funding Agreement in the amount of \$1,748,000 and a FY 1998-99 HOME Investment Partnerships Program Funding Agreement in the Amount of \$883,000 with the U. S. Department of Housing and Urban Development" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: CAPITAL PROJECT ORDINANCE SUPERSEDING ORDINANCE #11512 CONCERNING AFFORDABLE HOUSING

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Capital Project Ordinance Superseding Ordinance #11512 Concerning Affordable Housing" to allow for the re-use of \$500,000 in loan repayment money on previously approved projects funded with Affordable Housing Bond money was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: FISCAL YEAR 1998-99 SUBRECIPIENT AGREEMENT - GOOD WORK, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Agreement between the City of Durham and Good Work, Inc. for an amount not to exceed \$89,000 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

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Note: Attachment A, Network Meetings--changed from four meetings per month to one meeting per month.

SUBJECT: RENEWAL CONTRACT WITH LAIDLAW TRANSIT SERVICES, INC. - DATA ACCESS PARATRANSIT SERVICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the revised hourly fees contained in Attachment 1 and authorize the renewal of the contract with Laidlaw Transit Services, Inc. for two additional one-year periods was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: RENEWAL OF CONTRACT WITH RYDER/ATE, INC. - DATA FIXED ROUTE SERVICE

MOTION by Council Member Larson seconded by Council Member Miller to approve the proposed management fees contained in Attachment 1 and authorize renewal of the contract with Ryder/ATE, Inc. for two additional one-year periods was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: CONTRACT FOR AFTERSCHOOL SERVICES AND MEDICAID PARTICIPATION AGREEMENT - DURHAM AREA MENTAL HEALTH, DEVELOPMENT DISABILITIES, AND SUBSTANCE ABUSE AUTHORITY AND NORTH CAROLINA DIVISION OF MEDICAL ASSISTANCE

a. Afterschool Services

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Durham Area Mental Health, Developmental Disabilities, and Substance Abuse Authority to enable the City to provide afterschool services for special need populations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

b. Medicaid Participation Agreement

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MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Medicaid Participation Agreement with the North Carolina Division of Medical Assistance to license the City's Special Population Division to become a Medicaid Provider allowing for direct billing to Medicaid for afterschool services provided to youth with disabilities was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: HILLSIDE PARK RENOVATION CONSTRUCTION CONTRACT - McQUEEN CONSTRUCTION COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with McQueen Construction Company in the amount of \$932,500, plus a \$50,000 contingency, for the renovation of Hillside Park was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: SCHOOL VIOLENCE RESPONSE PROTOCOL

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration regarding school violence response protocol was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: REPORT ON THE PROPOSED CONSTRUCTION OF A SEGMENT OF THE THIRD FORK CREEK TRAIL AT BEECHWOOD CEMETERY

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the proposed construction of a segment of the Third Fork Creek Trail at Beechwood Cemetery was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

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**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR AN EASEMENT
ACROSS PROPERTY OF MCDURHAM COMPANY FOR THE AMERICAN
TOBACCO TRAIL - PROPERTY OF WOODCROFT COMMUNITY
ASSOCIATION, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to find that it is necessary, in the public interest, and for the public use and benefit to acquire, through eminent domain proceedings, a greenway easement containing approximately 8,100 square feet across property of Woodcroft Community Association, Inc., located as shown on the map included in the agenda; and, to authorize the City Attorney to initiate proceedings for that purpose, with a deposit into court of \$22,200 as the City's estimate of just compensation was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR AN EASEMENT
ACROSS PROPERTY OF MCDURHAM COMPANY FOR THE AMERICAN
TOBACCO TRAIL**

MOTION by Council Member Larson seconded by Council Member Miller to find that it is necessary, in the public interest, and for the public use and benefit to acquire, through eminent domain proceedings, a greenway easement containing approximately 5,000 square feet across property of MCDurham Company, with the location to be determined by the City Manager or his designee, provided that it shall be consistent with the map included in the agenda; and, to authorize the City Attorney to initiate proceedings for that purpose, with a deposit into court of \$13,750 as the City's estimate of just compensation was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

**SUBJECT: RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY - NORTH
CAROLINA MUTUAL LIFE INSURANCE COMPANY**

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Recognizing the 100th Anniversary North Carolina Mutual Life Insurance Company" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore

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Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: RESOLUTION HONORING ELNA B. SPAULDING

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Honoring Elna B. Spaulding" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: RESOLUTION CHANGING ALL ENFORCEMENT DATES FOR THE BANNING OF DISPOSAL OF RECYCLABLES

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Changing all Enforcement Dates for Penalty Fees for Noncompliance with An Ordinance Regarding the Banning of Disposal of Recyclables" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: STREET ACCEPTANCE - CHRISTINE PARK, GREYFIELD PHASE II AND VILLAGE SQUARE

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

Christine Park

1. Kandes Court - from the east ditch line of Grandale Drive eastward through the cul-de-sac (452')

Greyfield - Phase II

1. Woodhill Court - from the centerline of Greyfield Boulevard eastward through the cul-de-sac (169')

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Villages of Cornwallis - Village Square

1. Ranbir Drive - from the centerline of Odyssey Drive north to the end of construction at STA 17 + 83 (783')
2. Sana Court - from the centerline of Ranbir Drive north then west through the cul-de-sac

SUBJECT: FIFTY-FIVE MILE PER HOUR SPEED LIMIT - ALEXANDER DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 55 mile per hour speed limit on Alexander Drive (SR 2028) from South Miami Boulevard (SR 1959) eastwardly to a point 0.30 mile west of Page Road (SR 1973) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: STOP SIGNS - AUDUBON PARK

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- 1) Solitude Way at Piperwood Court, northwest corner; and
- 2) Monarch Way at Solitude Way, northeast corner

SUBJECT: STOP SIGNS - SOLTERRA WAY

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- 1) Solterra Way (Private Street) at Randolph Road, southwest corner; and
- 2) Solterra Way (Private Street) at Erwin Road, southeast corner

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SUBJECT: STOP SIGNS - PINEYWOOD TOWNES

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign at Lure Court (Private Street) at Woodlake Drive, northwest corner was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Sewer Main - Valleydale Drive from Mineral Springs Road to East Property Line of Tax Map 633-3-9 - Mini Assessment Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Lois A. Cannady, identified as Tax Map #633-2-20, vacant, Lot 20, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,091.44; and

To find that the property of Lois A. Cannady, identified as Tax Map #633-2-21, 3810 Valleydale Drive, Lot 21, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$1,091.44 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: Sewer Main - N.C. 98 Highway from Valleydale Drive to Nichols Farm Road and **Valleydale Drive** from N.C. 98 Highway to West Property Line of Tax Map 633-3-10 - Mini Assessment Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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objections and/or allegations, the public hearing was declared closed.

- a. Property of Claiborne M. Goss Revocable Trust, Claiborne M. Goss, Trustee

MOTION by Council Member Larson seconded by Council Member Miller to reconsider the sewer main assessments against certain properties of Claiborne M. Goss as listed below; and

To find that the property of Claiborne M. Goss Revocable Trust, Claiborne M. Goss, Trustee, identified as Tax Map #633-2-15, vacant, 14,225 square feet, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$606.14; and

To find that the property of Claiborne M. Goss Revocable Trust, Claiborne M. Goss, Trustee, identified as Tax Map #633-2-16, 3818 Valleydale Drive, Lots 13-15, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,928.00 (partial relief granted in accordance with City policy) was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- b. Property of Cindy W. Rigsbee

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to find that the property of Cindy W. Rigsbee, identified as Tax Map #633-2-18, 3814 Valleydale Drive, Lots 16 and 17, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$2,488.64 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS FOR FISCAL YEAR 1999 - GRANDOVER SUBDIVISION AND BUCK CROSSING

As this was the time and place set for the public hearing, anyone

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interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. FY99-04 - Grandover Subdivision

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Grandover Subdivision, which consists of 47.42 acres non-contiguous to the City Limits and located at the intersection of Bivins and Umstead Roads; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which Is Not Contiguous to the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-58 Et. Seq. (Grandover Subdivision)"--effective December 31, 1998 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

b. FY-99-05 - Buck Crossing

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Buck Crossing, which consist of 18.55 acres non-contiguous to the City Limits and located on the east side of Highway 751, south of I-40, and north of Massey-Chapel Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described, Which Is Not Contiguous to the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-58 Et. Seq. (Buck Crossing)"--effective December 31, 1998 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: STREET CLOSING (SC98-5) 17,443± SQUARE FOOT PORTION OF GRENFELL DRIVE

As this was the time and place set for the public hearing, anyone

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interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the closing of a 17,443± square foot portion of Grenfell Drive; and

To adopt a "City of Durham Order Permanently Closing 17,443± Square Foot Portion of Grenfell Drive, South of NC HWY 54 and East of Amhurst Drive" was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: RENAMING OF 17,443± SQUARE FEET OF GRENFELL DRIVE TO CANADIAN COURT

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments regarding the proposed renaming of 17,443± square feet of Grenfell Drive to Canadian Court; and

To adopt "A Resolution to Rename Streets Within the City of Durham"--**Grenfell Drive** (East from Amhurst Street to Cul-de-sac) to **Canadian Court** was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: ZONING MATTER CASE P98-10, NORTHGATE ASSOCIATES, CLUB BOULEVARD, NORTH DUKE STREET, GREGSON STREET AND I-85 ACCESS

Case: P98-10

Applicant: Northgate Associates

Location: The 7.65 acre site is located within the block bounded by Club Boulevard, North Duke Street, Gregson Street and I-85 access (Tax Map 70, Block 1, Lots 2A, 3, 4, 5, 11, 12, 13, 14, 15, 16 and 17)

Request: Rezoning from SC (Shopping Center District), R-3

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(Residential 3 District), and R-8 (Residential 8 District) to GC(D) (General Commercial District with a Development Plan) and NC(D) (Neighborhood Commercial with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of SC, R-3 and R-8 and placing same in and establishing same as GC(D) and NC(D).

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

Note: Valid protest petition filed against this rezoning case.

Mayor Tennyson opened the public hearing.

It was agreed by the developer and neighborhood to give themselves additional time to reach a consensus on this matter.

MOTION by Council Member Larson seconded by Council Member Brown to continue the public hearing without further advertisement to the November 2, 1998 City Council Meeting was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: ZONING MATTER CASE P98-36, GOLDEN CORRAL, WEST SIDE OF NC 55, SOUTH OF PARK WEST CROSSING SHOPPING CENTER

Case: P98-36

Applicant: Golden Corral

Location: 2.95 acres of a 7 acre site on the west side of NC 55, south of Park West Crossing Shopping Center, south of NC 54 and north of Sedwick Road (Tax Map 541-1-7 partial)

Request: Rezoning from RD (Rural District) to NC(D) (Neighborhood Commercial District); Change in NC(D) Development Plan

To adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of RD and placing same in and establishing same as ND(D); Change in NC(D) Development Plan.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code by taking the above described property out of RD and placing same in and establishing same as ND(D); Change in NC(D) Development Plan was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: 1997-98 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND HOME CONSORTIUM PERFORMANCE EVALUATION - PUBLIC HEARING

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments and to evaluate the 1997-98 Community Development Block Grant (CDBG) and HOME Consortium Programs was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

[OTHER MATTERS]

SUBJECT: TAXICAB COMMISSION REPORT

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22-159.10 of the Durham City Code:

a. Transfer of Operator's Licenses

1) Transfer of Doc's Cab Company Operator's License #162 from Eric Tillman to Phyllis Terrell

Taxicab Inspector's Recommendation: Approve transfer of

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Operator's License #162 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #162 (Vote 3-0)

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #162] was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- 2) Transfer of A.M.A. Cab Company Operator's License #18 from Abdulraouf Ali to Malik Ahmed-Mahi Eldin

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #18 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #18 (Vote 4-0)

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #18] was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- 3) Transfer of Smokey's Cab Company Operator's License #75 from George McFadden to Nathaniel Lennon

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #75 (in accordance with City Code)

Taxicab Commission's Recommendation: Approve transfer of Operator's License #75 (Vote 4-0)

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of operator's license #75] was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

- b. Revocation of Taxicab Driver's Permit of Shelton Miller, Jr.

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Taxicab Inspector's Recommendation: Revoke Taxicab Driver's Permit (in accordance with City Code)

Taxicab Commission's Recommendation: Allow Shelton Miller, Jr. to retain his Taxicab Driver's Permit (Vote 4-0).

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the Taxicab Commission's recommendation [allow Shelton Miller, Jr. to retain his Taxicab Driver's permit] was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: Council Member Blyth.

SUBJECT: 1999 EMPLOYEE BENEFITS RECOMMENDATIONS

a. Healthsource

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Healthsource for a health care plan to include a pharmacy card services rider was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

b. WellPath

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with WellPath for a health care plan to include a pharmacy card services rider was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

c. Delta Dental

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Delta Dental to continue to provide administrative services for a self-funded dental care plan was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin,

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Jacobs, Langley, Larson, McKissick and Miller. Noes: None.
Absent: Council Member Blyth.

d. Duke Occupational Mental Health Programs

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Duke Occupational Mental Health Programs to continue to provide an Employee Assistance Program (EAP) and the administrative services for a self-funded Mental Health and Substance Abuse Care Plan was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

e. Metropolitan Life Insurance

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Metropolitan Life Insurance to continue to provide group term life insurance was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

f. Colonial Life Insurance

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Colonial Life Insurance to continue to provide for the administration of the flex spending accounts and disability, cancer, Group Universal Life and other voluntary, employee-paid insurance was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

g. Member Benefits Administrations

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize the City Manager to execute a contract with Member Benefits Administrations to continue to provide a college funding program and other associated voluntary, employee-paid services was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson,

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McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: CAROLINA THEATRE MANAGEMENT AGREEMENT

To authorize the City Manager to enter into an agreement with the Carolina Theatre of Durham, Inc. for the provision of management services at the Carolina Theatre.

Earlier in the meeting, City Manager Ewell requested that this item be removed from the agenda and referred to the Finance Committee.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the Finance Committee and to extend the City Manager the authority to disperse funds under the current agreement was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

SUBJECT: APPROVAL OF FIREWORKS DISPLAY ON DUKE UNIVERSITY'S WEST CAMPUS ON SATURDAY, SEPTEMBER 26, 1998 - HOMECOMING FOOTBALL GAME

MOTION by Mayor Pro Tempore Clement seconded by Council Member Miller to approve the display of fireworks on Saturday, September 26, 1998 for approximately 15 minutes between 11:00 p.m. to 12:00 midnight on Duke University's West Campus was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: Council Member Blyth.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: AMENDMENTS TO THE COMPENSATION AND CLASSIFICATION PLAN

Sergeant Phil Wiggins, representing the Fraternal Order of Police, thanked the council on the proposal to increase the base pay for police and fire personnel. Sergeant Wiggins asked the council to consider solutions to maintain personnel in these areas once they are hired. Also, Sergeant Wiggins stated that other areas in the police department would be drastically hurt if \$430,000 was taken from the police budget to pay increase in salaries.

Mike Shiflett spoke in support of increasing the base salary for

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entry level officers.

City Manager Ewell noted the funds being generated were not new funds. Mr. Ewell also stated he has asked city employees on a voluntary basis to be a part of a study group to help them look at what the true gap is in the southeast region regarding salaries.

MOTION by Council Member Larson seconded by Council Member Miller to amend the City of Durham Compensation and Classification Plan adopted July 6, 1996, as amended, to include recommended adjustments as listed in the attachment was approved at 8:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth.

There being no further business to come before Council, the meeting was adjourned at 8:13 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk